IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 19018 of 1995

Between:

Thota Koteswara Rao S/o.Koneru, aged: about 42 years,

Occ: Agriculture, R/o.Savargaon Village, Adilabad Mandal and

District.

..... PETITIONER

AND

1. The District Collector, Adilabad District, Adilabad.
2. The Revenue Divisional Officer, Adilabad.
3. The Mandal Revenue Officer, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to divert the rights of the petitioner pertaining to his land bearing Survey No.72/63 admeasuring Acs.5-10 gts. situated at Savargaon Village, Adilabad Mandal and District without recourse to the proceedings under Land Acquisition Act and Special Loani Rules, as illegal, arbitrary, unconstitutional and without jurisdiction and further consequently restrain the respondents herein from interfering with the peaceful possession of the petitioner over the land bearing Survey No.72/63 to an extent of Acs.5-10 gts. situated at Savargaon Village, Adilabad Mandal and District or alternatively grant stay of dispossession of the petitioner from the said land.

Counsel for the Petitioner:MR.VINOD KUMAR DESHPANDE
Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the petitioner as well as the learned Government Pleader.

The petitioner's case is that he had been assigned land but it was cancelled because the Government wanted to give the land to some others. In the counter affidavit, it has been stated that the Writ Petition was filed in August, 1995 and possession of land had been taken back by the State in the year 1994 for violation of conditions of assignment. The learned Government Pleader submits that this land was assigned to the petitioner in the year 1974-75 for the purpose of cultivation, but from 1974-75 till 1994, the petitioner did not cultivate the land and therefore, it was resumed and possession was also taken back.

Matters arising out of this case could be better handled by an appellate authority as to whether the petitioner had violated the conditions of assignment, whether he had converted the land into agricultural land or not and whether the possession had been taken back by the State in the year 1994, these questions cannot be decided without evidence.

Therefore, the Writ Petition is dismissed. However, the petitioner has the liberty to file an appeal, if so advised. No order as to costs.

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16th December, 2004 BILAL NAZKI, J

ajr

To

1) The District Collector, Adilabad District, Adilabad.

2) The Revenue Divisional Officer, Adilabad.

3) The Mandal Revenue Officer, Adilabad.

4) Two C.Cs., to the G.P. for Revenue, High Court buildings, Hyderabad

(OUT)

5) Two C.D. copies.